APPEAL NO. 030205
FILED MARCH 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 6, 2003. The hearing officer determined that the impairment rating (IR) of appellant (claimant herein) is eight percent and that claimant is not entitled to supplemental income benefits (SIBs) for the first three quarters. Claimant appealed these determinations on sufficiency grounds. Respondent self-insured (carrier herein) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant attached documents to her brief most of which were not admitted at the hearing. Documents submitted for the first time on appeal are generally not considered unless they constitute admissible, newly discovered evidence. Claimant did not explain why she was unable to obtain these documents at an earlier time. We conclude that these attachments to claimant's appeal do not meet the requirements of newly discovered evidence necessary to warrant a remand. Having reviewed the documents, we conclude that their admission on remand would not have resulted in a different decision. Texas Workers' Compensation Commission Appeal No. 93111, decided March 29, 1993; Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ).

Claimant complains that the designated doctor should not have amended her IR based on a videotape because she did have limited range of motion as shown by her medical records. Claimant also asserts that the designated doctor did not timely amend the IR certification in this case. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)) provides that the designated doctor's response to a request for clarification is considered to have presumptive weight as it is part of the designated doctor's opinion, without regard to whether an amendment was made within a certain time period. *See* Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002. We perceive no error in this regard.

Claimant contends that she is entitled to SIBs and asserts that a narrative report from her doctor shows that she had no ability to work. However, with an IR of less than 15%, claimant is not entitled to SIBs. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

LC
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

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Judy L. S. Barnes
Appeals Judge

CONCUR:

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Daniel R. Barry
Appeals Judge

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Chris Cowan
Appeals Judge